

AZDPS

ARIZONA TRAFFIC TICKET AND COMPLAINT

Report Number

2018-063872

Complaint

910884418354001

Driver's License Number

D03264036

In Possession

☐ Yes

State

AZ

Class

A

Military

☐ Yes☐ COLLISION☐ FATALITY☐ SERIOUS INJURY☐ COMMERCIAL☐ HAZ MAT☐ 16 PASSENGER

Name: First

DAVID

Middle

LEE

Last

COOK

Spanish Speaking Only ☐

Other Language

Residential Address

10178 S ICE HOUSE CANYON RD

City

GLOBE

State

AZ

Zip Code

85501-5053

Phone

(928) 701-3021

Cell

SSN

Gender

M

Eyes

BRO

Hair

BLK

Height

6-00

Weight

240

Origin

W

DOB

05/15/1968

Endorsements

TP

Restrictions

M

Business Address

City

State

AZ

Zip Code

85501-5053

E-Mail Address

Year

2017

Color

WHI

Make

FORD

Model

F22

Style

34PU

License Plate

CK89257

State

AZ

Expire. Date

10/15/2019

Vehicle Identification Number (VIN)

1FT7W2BT4HEE71857

Registered Owner

DAVID L COOK

Address

10178 S ICE HOUSE CANYON RD

City

GLOBE

State

AZ

Zip Code

855015053

THE UNDERSIGNED CERTIFIES THAT:

ON	Date	Time	SPEED:	Approx	Posted	R&P	Speed Measurement Device	Equipment Number	Direction Of Travel	Lane
	12/19/2018	23:23		65	65	0	OTH		E	
AT	On-Highway	Highway	Milepost	Location				Precinct	County	STATE OF ARIZONA
	YES	SR202	17					0721	MARICOPA	

THE DEFENDANT COMMITTED THE FOLLOWING:

A	Section	28-1381A1	Statute	ARS	Violation	DUI-LIQUOR/DRUGS/VAPORS/COMBO	<input type="checkbox"/> Domestic Violence Case
	Docket Number	182018162288	Disposition Codes		Disposition Date		<input type="checkbox"/> Criminal <input checked="" type="checkbox"/> Criminal Traffic <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
B	Section	28-1381A2	Statute	ARS	Violation	DUI W/BAC OF .08 OR MORE	<input type="checkbox"/> Domestic Violence Case
	Docket Number		Disposition Codes		Disposition Date		<input type="checkbox"/> Criminal <input checked="" type="checkbox"/> Criminal Traffic <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
C	Section	28-1382A1	Statute	ARS	Violation	EXTREME DUI-BAC .15 TO .19	<input type="checkbox"/> Domestic Violence Case
	Docket Number		Disposition Codes		Disposition Date		<input type="checkbox"/> Criminal <input checked="" type="checkbox"/> Criminal Traffic <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
D	Section		Statute		Violation		<input type="checkbox"/> Domestic Violence Case
	Docket Number		Disposition Codes		Disposition Date		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
E	Section		Statute		Violation		<input type="checkbox"/> Domestic Violence Case
	Docket Number		Disposition Codes		Disposition Date		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense

You Must Appear At:	Court	NORTH MESA JC	Court No.	0721	AT THE DATE AND TIME INDICATED:	Date	01/03/2019	Time	13:00
	Court Phone No.	(480) 926-9731	Business Address	1837 S. MESA DR., STE. #B103		City, State, Zip Code	MESA AZ 85210		
CRIMINAL:	<input checked="" type="checkbox"/>	Without admitting guilt, I promise to appear as directed herein.			<input type="checkbox"/> VICTIM?	<input type="checkbox"/> FINGERPRINTED?			
CIVIL:	<input type="checkbox"/>	Without admitting responsibility, I acknowledge receipt of this complaint.			<input type="checkbox"/> VICTIM NOTIFIED?	<input type="checkbox"/> IN CUSTODY			
I certify upon reasonable grounds, I believe the person named above committed the acts described and I have served a copy of this complaint upon the defendant. C. Williams 10477					COMPLAINANT BADGE NO. LOCATION CODE				

I hereby certify that the information contained herein is a true and correct abstract of the record in this case.

JUDGE: _____

BY: _____ Clerk of the Court

DATE: _____

1 LAWRENCE I. KAZAN
2 Debus, Kazan & Westerhausen, Ltd.
3 335 East Palm Lane
4 Phoenix, AZ 85004
5 Telephone: (602) 257-8900
6 Facsimile: (602) 257-0723
7 Email: lik@dkwlawyers.com
8 State Bar #005456
9 Attorneys for Defendant COOK

FILED
DEC 24 2018
NORTH MESA
JUSTICE COURT

10
11 IN THE JUSTICE COURT, NORTH MESA PRECINCT
12 COUNTY OF MARICOPA, STATE OF ARIZONA

13 STATE OF ARIZONA,

14 Plaintiff,

Complaint No. 910884418354001

15 vs.

NOTICE OF APPEARANCE;
PLEA OF NOT GUILTY; AND
REQUEST FOR PTC

16 DAVID LEE COOK,

17 Defendant.

Arraign.: January 3, 2019

18 I hereby enter my appearance in the above-captioned matter on behalf of the
19 defendant, David L. Cook, for all further proceedings.

20 Defendant hereby enters his plea of not guilty in the above-captioned matter and
21 additionally requests the Court set a convenient date and time for a pretrial conference in this
22 matter.

23 RESPECTFULLY SUBMITTED this 21st day of December 2018.

24 DEBUS, KAZAN & WESTERHAUSEN, LTD.

25 By

26 Lawrence I. Kazan
27 Attorneys for Defendant
28

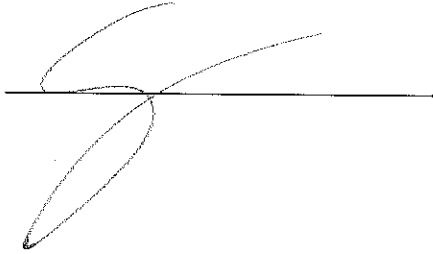
1 **ORIGINAL** of the foregoing mailed and a
2 **COPY** faxed this 21st day of December 2018 to:

3 Clerk of the Court
4 North Mesa Justice Court
5 1837 South Mesa Drive, #B103
6 Mesa, AZ 85210

7 **COPY** of the foregoing mailed and
8 faxed this 21st day of December 2018 to:

9 Maricopa County Attorney's Office
10 301 West Jefferson Street
11 Phoenix, AZ 85003
12 Fax No. (602_ 506-1595
13

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A handwritten signature in dark ink, consisting of a large, stylized 'S' or 'L' shape, is written over a horizontal line. The signature is located in the right margin of the document, spanning lines 10 through 13.



Maricopa County Justice Courts, Arizona

North Mesa Justice Court 1837 S. Mesa Dr., #B103, Mesa, AZ 85210 480-926-9731

STATE OF ARIZONA

CASE NUMBER: TR2018162288

vs.

DAVID LEE COOK

FINGERPRINT ORDER

Defendant(s) Name / Address / Email / Phone

Pursuant to ARS 41-1750, individuals charged with, summoned to Court on, or convicted of an offense defined as domestic violence, driving under the influence or a sexual offense, shall be ordered by the Court to be fingerprinted by an appropriate law enforcement agency at a designated time and place if the Court has reasonable cause to believe that the defendant was not previously fingerprinted.

Violation / Charge: 28-1381A1, DUI-LIQUOR/DRUGS/VAPORS/COMBO, C1M
28-1381A2, DUI W/BAC OF .08 OR MORE, C1M
28-1382A1, EXTREME DUI - BAC .15 TO .19, C1M

Offense date: 12/19/18

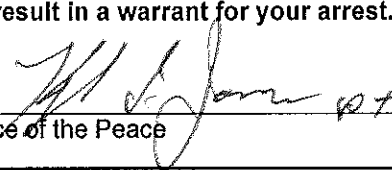
YOU ARE HEREBY ORDERED to report for fingerprinting (10-print) and photographing prior to your next court date at:

**Maricopa County Sheriff's Office
Records and Identification Division
201 W. Jefferson Street
West Court Building, 4th Floor
Phoenix, AZ 85003**

This form must be completed and returned to the court by: FIRST PTC

Failure to comply with this Order may result in a warrant for your arrest.

Date: 12-27-18


Justice of the Peace

INSTRUCTIONS

You are to bring the following documents with you to the Sheriff's Office:

1. A copy of this order and a copy of the citation.
2. A current government issued picture identification card, such as: Driver's License, State issued ID Card, Resident Alien Card, Military ID or Passport

Hours of operation are Monday through Friday, 7:30 A.M. to 5:00 P.M. on a walk-in basis. (Please arrive before 4:00 P.M.)

MCSO Certification



Maricopa County Justice Courts, Arizona

North Mesa Justice Court 1837 S. Mesa Dr., #B103, Mesa, AZ 85210 480-926-9731

STATE OF ARIZONA

CASE NUMBER: TR2018-162288

vs.

DAVID LEE COOK

Deputy County Attorney / Address / Phone / Email

Defendant(s) Name / Address / Email / Phone

DEBUS, KAZAN & WESTERHAUSEN, LTD

335 E PALM LANE

PHOENIX, AZ 85004

c/o LAWRENCE KAZAN #005456

Attorney for Defendant(s) Name / Address / Phone / Email

NOTICE OF COURT DATE

This matter has been assigned to and will be heard by CECIL P. ASH

☒ Justice of the Peace

☐ Judge Pro Tempore

This matter is set for Date: 01/23/2019 Time: 9:00 AM

Be in court at least 15 minutes before the scheduled hearing.

YOU MUST CHECK IN AT THE FRONT COUNTER BEFORE ENTERING THE COURT ROOM.

(Esté en el tribunal por lo menos 15 minutos antes de la audiencia programada.)

(DEBE REGISTRARSE EN EL MOSTRADOR DELANTERO ANTES DE ENTRAR EN LA SALA DEL TRIBUNAL)

REQUESTS FOR REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES SHOULD BE MADE TO THE COURT AS SOON AS POSSIBLE.

(LAS SOLICITUDES PARA ARREGLOS O ADAPTACIONES RAZONABLES PARA PERSONAS CON DISCAPACIDADES SE DEBEN PRESENTAR ANTE EL TRIBUNAL LO MAS ANTES POSIBLE.)

If an interpreter is needed, please contact the court listed above to request an interpreter be provided.

(En caso de necesitarse un intérprete, favor de comunicarse con el Tribunal antes mencionado para solicitar que se brinden los servicios de un intérprete.)

☐ ORAL ARGUMENT on ☐ State's ☐ Defendant's motion for:

☒ PRE-TRIAL CONFERENCE

☐ TRIAL Parties are reminded they must be prepared for trial and have with them all evidence and any witnesses whose testimony is necessary to support the prosecution or defense of this case.

☒ OTHER See attached Notice of Scheduled Court Dates & Fingerprint Order

☒ The previously scheduled court date of 01/03/2019 @ 1 PM has been vacated.

NOTICE TO DEFENDANT: If you fail to appear at the time set by the court, a warrant will be issued for your arrest and the proceeding will be held without you.

The matter will not be postponed except for good reason filed in writing with the court at least twenty (20) days prior to the scheduled date and granted by the judge. Any agreement of the parties to continue the scheduled court date must also be supported by good reason.

I CERTIFY that a copy of this document has been or will be provided on 12/28/2018 to:

☒ The State ☐ Defendant ☐ at the above address ☐ in court ☒ Defendant's Attorney ☒ at the above address ☐ in court

Date: 12/28/2018 Clerk shelly



Maricopa County Justice Courts, Arizona

North Mesa Justice Court 1837 S. Mesa Dr., #B103, Mesa, AZ 85210 480-926-9731

STATE OF ARIZONA

CASE NUMBER: TR2018 162288

vs.
David Lee Cook

NOTICE OF SCHEDULED COURT DATES DRIVING UNDER THE INFLUENCE

Defendant(s) Name / Address / Email / Phone

1st PRETRIAL: The first pretrial hearing is for defendant and counsel to receive initial disclosure pursuant to RCrP 15.1.b.

Disclosure by defendant must be provided to the prosecution within 20 days thereafter pursuant to RCrP 15.2. b-c.

2nd PRETRIAL: The second pretrial hearing is for defendant and prosecution to explore the possibility of a negotiated plea. All motions are required to be filed by this date.

Status Conference: Oral Arguments on all motions (including a Motion In Limine and Evidentiary Hearing) will be heard at this time.

Both sides are to be prepared to discuss all issues contained in the JURY TRIAL STATUS CONFERENCE ORDER, attached. Both sides will be expected to come to a final agreement and inform the court whether a plea will be entered, a motion to dismiss will be filed, or whether the case will proceed to trial.

Jury Trial: A jury trial will be set unless defendant has signed a waiver of right to jury, in which case the trial will be heard and determined by the Justice of the Peace.

This matter has been assigned to: _____

It is expected that all subpoenas will be submitted to the court in a timely manner. Counsel will be responsible for providing accurate service information to the Constable.

It is the court's intention to provide a speedy disposition of this case. All parties are expected to commit to the dates given here. If any current conflict exists, the court must be notified immediately. Any request to continue must be in writing and must state the reasons justifying the continuance. A continuance will not be granted except on a showing of extraordinary circumstances.

Defendant's presence is mandatory at all hearings designated by an ☒ Defendant's failure to appear will be deemed a voluntary waiver of the right to be present and the proceeding will go forward in his/her absence.

☒ 1st Pretrial: JANUARY 23, 2019 @ 9:00 AM

☒ 2nd Pretrial: FEBRUARY 20, 2019 @ 9:00 AM

☒ 3rd Pretrial: MARCH 20, 2019 @ 9:00 AM

☒ Status conference: APRIL 24, 2019 @ 11:00 AM

☒ Jury Trial: MAY 3, 2019 @ 8:00 AM

Date: _____

Defendant's Signature

Be in court at least 15 minutes before the scheduled hearing.

YOU MUST CHECK IN AT THE FRONT COUNTER BEFORE ENTERING THE COURT ROOM.

(Esté en el tribunal por lo menos 15 minutos antes de la audiencia programada.)

(DEBE REGISTRARSE EN EL MOSTRADOR DELANTERO ANTES DE ENTRAR EN LA SALA DEL TRIBUNAL)

REQUESTS FOR REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES SHOULD BE MADE TO THE COURT AS SOON AS POSSIBLE.

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If an interpreter is needed, please contact the court listed above to request an interpreter be provided.

(En caso de necesitarse un intérprete, favor de comunicarse con el Tribunal antes mencionado para solicitar que se brinden los servicios de un intérprete.)

I CERTIFY that I mailed a copy of this document to:

☒ Deputy County Attorney

☐ Attorney for the Defendant

Date: 12-28-18 By She 1/4
Clerk

WILLIAM G. MONTGOMERY
MARICOPA COUNTY ATTORNEY

NORTH MESA
JUSTICE COURT
2019 JAN 23 AM 10:00

Richard J Palmer, Jr.
Deputy County Attorney
BAR ID#: 023749
MCAO Firm #: 00032000
222 E. Javalina, Suite 1750A
Mesa, AZ 85210
Telephone: (602) 506-8055
mcaocbeast@mcao.maricopa.gov
MCAO Firm #: 00032000
Attorney for Plaintiff

NORTH MESA JUSTICE COURT
MARICOPA COUNTY, STATE OF ARIZONA

STATE OF ARIZONA,
Plaintiff,

vs.

David Lee Cook

Defendant.

Case No. TR2018-162288

STATE'S RULE 15.1 LIST OF
WITNESSES AND EXHIBITS AND
REQUEST FOR DISCOVERY

The Honorable Cecil Ash

The State of Arizona, by and through undersigned counsel, hereby gives notice of disclosure pursuant to Rule 15.1, Arizona Rules of Criminal Procedure, and requests disclosure pursuant to Rule 15.2.

A. The State may call the following witnesses at trial

Any and all persons listed in or referred to in the police departmental reports, laboratory reports, or other records pertaining to the case; Any custodian of records for the documents listed below; Any after care Physicians or Pharmacists which become known to the State; All persons listed in or referred to in any other materials supplied by

the State to the defense; and/or any person listed in or referred to in the defense disclosure, including but not limited to:

1. Law Enforcement Witnesses

C. Williams	10477
B. Houchens	7537
D. Windels	10347

Phlebotomist

Any Quality Assurance Specialist

Any Motor Vehicle Department Custodian of Records

Any Available DPS Criminalist/Forensic Scientist

2. Civilian Witnesses

The State may also use any of these witnesses as rebuttal witnesses. Please see the police report(s) for all addresses and statements of the defendant/witnesses. Not all statements made by the defendant/witnesses may be in the police report. These statements are made available through interviews set by the Maricopa County Attorney's

Office. Unless otherwise indicated, the State wishes to be present during the interviews of all potential State's witnesses. Please call the assigned Deputy County Attorney to request all interviews. The State is not able to designate a specific MVD custodian or DPS criminalist, unless named above, until defendant calls to request an interview with the custodian/criminalist. MVD is located at 1801 W. Jefferson Street, Phoenix, AZ 85007. DPS is located at 2102 W. Encanto Boulevard, Phoenix, AZ 85009.

B. The State may use at trial as evidence any of the evidence listed below

1. Any objects or representation of objects referred to in the police departmental reports or in any of the State's discovery;
2. Items of physical, audio, video, telephonic, photographic or documentary evidence mentioned in the police reports;
3. Any statements made by the Defendant, of any co-conspirators, or other witnesses, written or otherwise, which are contained in the police reports, other disclosed materials, or obtained through follow-up interviews;
4. Any writing, recordings or translations of the Defendant or witnesses;
5. Any 911 Tapes, Dispatch Logs, Dispatch Tapes, Communication and Dispatch Records (CAD Reports). Tapes are routinely destroyed after 60 days of the recording. Any request for preservation must be made in writing to the County Attorney within 45 days of the recording. A copy of an existing 911 tape and/or

dispatch tape may be obtained by presenting a written request to the County Attorney;

6. Pictures, diagrams, drawings, maps, reproductions, PowerPoint presentations, charts, or other representations of the crime scene and surrounding area, or any damage or injuries that were the result of the crime;
7. Any Radar, Lidar or Speedometer calibrations and certifications;
8. Records of the Arizona Motor Vehicle Division pertaining to the Defendant's driver's license and any administrative actions or proceedings involving said license: this may include a photograph of Defendant;
9. Records from any hospital referred to in the police report and/or any medical records that have been or will be disclosed;
10. Records from any fire department and/or ambulance rescue referred to in the police reports;
11. Records of the Arizona Motor Vehicle Division pertaining to the registration of any vehicle mentioned in the police report(s) and any administrative actions or proceedings involving said registration;
12. Records and/or documents of the Arizona Department of Health Services and/or Arizona Department of Public Safety approving or certifying the blood alcohol testing program or breath/blood alcohol testing devices;
13. The container, box or kit used to store blood or urine sample; the needle, swabs or other medical paraphernalia used to obtain the sample; and the evidence labels,

stickers, custody labels, property forms and other documents used to identify the sample;

14. Any item of physical or documentary evidence which reflects the result of any test of the Defendant's blood, breath, or urine;

15. Records of periodic maintenance, function and accuracy checks, and/or repair work involving the breath testing device. Phoenix Police Department Crime Laboratory Intoxilyzer records can be accessed at www.phoenix.gov/phrpros.html. The Goodyear Police Department Intoxilyzer Records can be accessed at <http://www.goodyearaz.gov/government/legal-services/dui-calibrations>. Scottsdale Police Department Crime Laboratory Intoxilyzer Records can be accessed at <http://scottsdaleaz.gov/attorney/lab-disclosure>; All other Intoxilyzer maintenance and Quality Assurance Specialist records can be found at <http://intoxilyzer.mcjle.org/>;

16. The permit of the operator of the blood/breath/urine testing device, and/or records of the Arizona Department of Health Services and/or Arizona Department of Public Safety and/or law enforcement agencies involving said permit. Phoenix Police Department Crime Laboratory Intoxilyzer records can be accessed at www.phoenix.gov/phrpros.html. Scottsdale Police Department Crime Laboratory Intoxilyzer Records can be accessed at <http://scottsdaleaz.gov/attorney/lab-disclosure>;

17. Notice of Horizontal Gaze Nystagmus logs and certificates. All logs and certificates for Phoenix Police Officers can be accessed from their website

at www.phoenix.gov/phxpros.html: Mesa Police Officers can be accessed at <http://www.mesaaz.gov/city-hall/city-attorney/city-prosecutor-s-office>; and Scottsdale Police Officers can be accessed at <http://scottsdaleaz.gov/attorney/lab-disclosure>;

18. Drug Recognition Expert logs or certificates. All logs and certificates for Phoenix Police Officers can be accessed from their website at www.phoenix.gov/phxpros.html: Mesa Police Officers can be accessed at <http://www.mesaaz.gov/city-hall/city-attorney/city-prosecutor-s-office>; and Scottsdale Police Officers can be accessed at <http://scottsdaleaz.gov/attorney/lab-disclosure>;

19. Any studies, treatises, or manuals relating to the detection of DUI drivers, Standardized Field Sobriety Tests, Horizontal Gaze Nystagmus, and Effects of Alcohol/Drugs on the Human Body;

20. Documentation supporting the testimony of any noticed witness as an expert; including training, certifications, curriculum vitae, and any other indicia of specialized knowledge;

21. Experts to be called as witnesses in this case are listed in the witness list. The names and addresses of experts along with completed results of physical examinations, scientific tests, experiments, or comparisons have already been provided, are provided with this notice, or will be provided upon completion. Examination notes made by the experts listed in Rule 15.1(b)(1) and 15.1(b)(4) shall be provided within thirty days of a written request to the County Attorney;

22. Any police officer listed above may be called as an expert witness with respect to an area within the officer's training and experience;
23. Any criminalist, fingerprint analyst, identification technician, or other similar witness will be called as an expert in his/her respective field;
24. Any criminalist or forensic scientist may be called as an expert witness with respect to: alcohol and/or drug testing procedures in general, maintenance, function, accuracy; alcohol concentration and/or drug presence scientifically accurate; alcohol and/or drug relating to the human body; alcohol and/or drug impairment relating to driving; amount of standard alcoholic drinks relating to a blood alcohol concentration; and retrograde extrapolation if the blood or breath sample is not preserved within two hours of driving or actual physical control;
25. Indicia of ownership, dominion, or control;
26. Any photographs of witnesses;
27. Any photographs referred to in the police report, booking photos or any other booking process documents which assisted in identification of the Defendant;
28. Police reports and/or court records involving Defendant's prior act(s), other arrests or convictions, including prior DUI or Domestic Violence convictions, the State may use at trial (to prove motive, intent, knowledge, etc.);
29. Prior Convictions (if any) of Defense Witnesses;
30. The State may also use any objects listed in or referred to in the defense disclosure, and/or any objects, diagrams, or pictures which depict, describe or prove the Defendant's criminal history, the crime, or the crime scene;

31. If a witness becomes unavailable pursuant to Rule 804(a), Arizona Rules of Evidence, the State will attempt to introduce prior statements under Rules 803(24) and 804(b)(5);
32. All requests to examine or scientifically test items of evidence must be in writing;
33. The State reserves the right to supplement this list of witnesses and evidence up to and including the day of trial.

C. The State's 15.2 Request for Disclosure

The State of Arizona requests Defendant to disclose to the State, in writing, within **twenty (20) days** from this disclosure, the following information:

1. All defenses as to which the Defendant will introduce evidence at trial, including, but not limited to, those listed in Rule 15.2(b),(c). The disclosure must specify, for each defense, the person(s), including the defendant, whom the defendant will call as witnesses at trial.
2. The names, date of birth, addresses, and phone numbers of all persons, other than the defendant, whom the defendant will call as witnesses at trial, together with all statements made by them in connection with the particular case.
3. The names and addresses of all experts whom the defendant will call at trial, together with the results of their physical examinations, scientific tests, experiments or comparisons, including all written or recorded reports and statements, made by them in connection with the particular case. If no written report, a summary of the general subject matter and opinions on which the expert is expected to testify.

4. A list of all papers, documents, photographs, and other tangible objects which the defendant will use at trial.
5. Copies of any recorded statements made during interviews conducted without the presence of a Deputy County Attorney.
6. The State requests, pursuant to Rule 15.2(a)(3), (4) and (6), that defendant submit to being fingerprinted, palm-printed, or photographed at any scheduled court hearing.

If this case involves a victim, the State has made every attempt to comply with A.R.S. § 13-4434 and Rule 39 of the Rules of Criminal Procedure by redacting the victim's "identifying and locating information." If, for any reason, victim identifying or locating information has inadvertently been disclosed the State requests that defense counsel immediately notify the State so that it may substitute the disclosure with a copy that conforms to the requirements of A.R.S. § 13-4434 and Rule 39. The State further requests that any copies of documents containing victim identifying or locating information not be further disseminated to anyone, including the Defendant.

Submitted January 23, 2019

Richard J Palmer, Jr.
MARICOPA COUNTY ATTORNEY

BY: 

/s/ Richard J Palmer, Jr.
Deputy County Attorney

Copy mailed\delivered
January 23, 2019

The Honorable Cecil Ash
Justice of the Peace
NORTH MESA JUSTICE COURT

Clerk of the Court
NORTH MESA JUSTICE COURT

Lawrence Kazan

c/o Debus, Kazan & Westerhausen, Ltd.

335 E. Palm Ln.

Phoenix, AZ 85004

BY: 

/s/ Richard J Palmer, Jr.
Deputy County Attorney



Maricopa County Justice Court, Arizona

North Mesa Justice Court 1837 S. Mesa Dr., #B103, Mesa, AZ 85210 480-926-9731

STATE OF ARIZONA

CASE NUMBER:

12-2018-162-288

VS.

David Cook

Deputy County Attorney / Address / Phone / Email

Defendant(s) Name / Address / Email / Phone

Carry Kazan

005456

Attorney for Defendant(s) Name / Address / Phone / Email

MOTION (Criminal)

☒ Continue ☐ Dismiss ☐ Modify Release Conditions ☐ Other
☐ ORAL ARGUMENT REQUESTED ☐ BY AGREEMENT

I would like the court to grant this motion because:

Just received disclosure

Δ waiting time

Date:

01/23/19

005456

☐ State ☐ Defendant's Attorney ☐ Defendant

☒ I have no objection to the above motion ☒ Time excluded ☐ I object to the above motion because:

Date:

01/23/19

003749

☐ State ☐ Defendant's Attorney ☐ Defendant

RULING ON MOTION

IT IS ORDERED: ☒ Granting said motion ☐ Denying said motion

This matter is re-set for: PIC Date: 2/20/19 Time: 9:00 AM

☒ Time is ordered excluded ☐ Not Excluded ☐ Release Conditions to Remain the Same

Date:

1-23-19

Justice of the Peace

I have received a copy of this form. I understand standard conditions and all other conditions of my release, and the consequences of violating this order. I agree to comply fully with each of the conditions imposed on my release and to notify the court promptly in the event I change my place of residence.

Date:

01/23/19

Defendant

Be in court at least 15 minutes before the scheduled hearing.

YOU MUST CHECK IN AT THE FRONT COUNTER BEFORE ENTERING THE COURT ROOM.

(Esté en el tribunal por lo menos 15 minutos antes de la audiencia programada.)

(DEBE REGISTRARSE EN EL MOSTRADOR DELANTERO ANTES DE ENTRAR EN LA SALA DEL TRIBUNAL)

REQUESTS FOR REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES SHOULD BE MADE TO THE COURT AS SOON AS POSSIBLE.
(LAS SOLICITUDES PARA ARREGLOS O ADAPTACIONES RAZONABLES PARA PERSONAS CON DISCAPACIDADES SE DEBEN PRESENTAR ANTE EL TRIBUNAL LO MAS ANTES POSIBLE.)

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(En caso de necesitarse un intérprete, favor de comunicarse con el Tribunal antes mencionado para solicitar que se brinden los servicios de un intérprete.)

I CERTIFY that a copy of this document has been or will be provided on 1/23/19 to:
☒ The State ☐ Defendant ☐ at the above address ☐ in court ☒ Defendant's Attorney ☐ at the above address ☒ in court

Date: 1/23/19 Clerk: KSH



Maricopa County Justice Courts, Arizona

North Mesa Justice Court 1837 S. Mesa Dr., #B103, Mesa, AZ 85210 480-926-9731

STATE OF ARIZONA

NORTH MESA
JUSTICE COURT
Vs.

CASE NUMBER: TR2018-142288

2019 MAR -6 AM 11:52

Richard Palmer
Deputy County Attorney / Address / Phone / Email

David COOK
Defendant(s) Name / Address / Email / Phone

Laurence Kazar
(602) 257-0723

Attorney for Defendant(s) Name / Address / Phone / Email

MOTION (Criminal)

☐ Continue

☐ Dismiss

☐ Modify Release Conditions

☒ Other

Set for COP

☐ ORAL ARGUMENT REQUESTED

☐ BY AGREEMENT

I would like the court to grant this motion because:

please set for change of plea on Friday 3/8/19.
Defendant and defense counsel are in agreement

Date: 03/06/19 034806 (for Richard Palmer)

☒ State

☐ Defendant's Attorney

☐ Defendant

☐ I have no objection to the above motion

☐ Time excluded

☐ I object to the above motion because:

Date:

☐ State

☐ Defendant's Attorney

☐ Defendant

RULING ON MOTION

IT IS ORDERED: ☐ Granting said motion ☐ Denying said motion

This matter is re-set for:

COP

Date: 3/8/19

Time: 10:15 Am

☒ Time is ordered excluded

☐ Not Excluded

☐ Release Conditions to Remain the Same

Date: 3-6-19

Justice of the Peace

I have received a copy of this form. I understand standard conditions and all other conditions of my release, and the consequences of violating this order. I agree to comply fully with each of the conditions imposed on my release and to notify the court promptly in the event I change my place of residence.

Date:

Defendant

Be in court at least 15 minutes before the scheduled hearing.

YOU MUST CHECK IN AT THE FRONT COUNTER BEFORE ENTERING THE COURT ROOM.

(Esté en el tribunal por lo menos 15 minutos antes de la audiencia programada.)

(DEBE REGISTRARSE EN EL MOSTRADOR DELANTERO ANTES DE ENTRAR EN LA SALA DEL TRIBUNAL)

REQUESTS FOR REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES SHOULD BE MADE TO THE COURT AS SOON AS POSSIBLE.
(LAS SOLICITUDES PARA ARREGLOS O ADAPTACIONES RAZONABLES PARA PERSONAS CON DISCAPACIDADES SE DEBEN PRESENTAR ANTE EL TRIBUNAL LO MAS ANTES POSIBLE.)

If an interpreter is needed, please contact the court listed above to request an interpreter be provided.

(En caso de necesitarse un intérprete, favor de comunicarse con el Tribunal antes mencionado para solicitar que se brinden los servicios de un intérprete.)

I CERTIFY that a copy of this document has been or will be provided on 3/6/19 to:
☒ The State ☐ Defendant ☐ at the above address ☐ in court ☒ Defendant's Attorney ☐ at the above address ☐ in court
Date: 3/6/19 Clerk: Faxen

IN THE NORTH MESA JUSTICE COURT OF THE STATE OF ARIZONA
AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,
v. Plaintiff,

DAVID LEE COOK,
DOB: 05/15/1968

Defendant.

CASE # TR2018-162288

NORTH MESA
JUSTICE COURT

2019 MAR -8 AM 10:18

PLEA AGREEMENT

DECLARATION by defendant as follows.

Defendant is represented by his/her attorney:

Larry Kazan

The State of Arizona and the defendant hereby agree to the following disposition of this case:

The Defendant agrees to plead Guilty to: **Count (B) : Driving or Actual Physical Control While Under the Influence of Intoxicating Liquor (BAC 0.08 or more), a class 1 misdemeanor, in violation of ARS §§ 28-1381(A)(2), 28-1381(I) & (J), 28-1387(B)&(C), 28-1444, 28-1461, 28-3304, 28-3305, 28-3306, 28-3315, 28-3319, 41-1723, 41-1651, 13-105, 12-114.01, 12-116.01, 12-116.02, 12-116.04, 12-116.09, 12-269, 13-707, 13-802, and 13-805 committed on or about December 19, 2018.**

Terms: On the following understandings, terms and conditions:

(1) 1. The crime carries a maximum sentence of 6 months. Probation is available. Restitution of economic loss to the victim and waiver of extradition for probation revocation procedures are required. Pursuant to A.R.S. §13-805 at the time restitution is ordered, the court may enter a criminal restitution order including interest and collection fees. The maximum fine that can be imposed is \$2,500 plus an 83% surcharge plus \$20.00 pursuant to A.R.S. §12-269 plus a \$13.00 assessment pursuant to A.R.S. §12-116.04, plus a \$2.00 victim's rights enforcement assessment pursuant to A.R.S. §12-116.09. **Special conditions** regarding the sentence imposed by statute (if any) are: Defendant may be placed on probation for up to 5 years. Defendant shall pay a fine of not less than \$250; assessment of \$500 to the Prison Construction and Operation Fund; and \$500 to the Public Safety Equipment Fund. Defendant shall reimburse incarceration costs pursuant to A.R.S. §28-1444. The Court shall not waive any portion of the fine, additional assessment or surcharges. Defendant shall be sentenced to serve not less than ten (10) consecutive days in jail. At the time of sentencing the Court may suspend all but one (1) day of the sentence if the defendant completes a court-ordered drug or alcohol screening, counseling, education and/or treatment program. Defendant is not eligible for work furlough until 24 consecutive hours in jail is completed. The Defendant shall be required to equip any motor vehicle the defendant operates with a certified interlock ignition device pursuant to ARS §§ 28-1461 and 28-3319. The Court may order a certified interlock ignition device for more than twelve (12) months. MVD may assess points against the Defendant's driving privileges. The Defendant shall complete alcohol or drug screening pursuant to ARS § 28-1387(B). The Defendant may be ordered to perform community restitution.

(R) 2. The parties stipulate to the following additional terms, subject to court approval at the time of sentencing as set forth in paragraph 7: Defendant may be placed on unsupervised probation. Defendant shall serve an initial term of ten (10) consecutive days in jail. If the defendant completes a court-ordered alcohol or other drug screening, education or treatment program, all but one (1) day of the sentence may be suspended. The State has no objection to work release if the Defendant qualifies. The term "Jail" explicitly excludes any other form of confinement including but not limited to house arrest. Defendant shall not receive credit for previously served prior to the date of the signing of this plea agreement. Defendant shall pay for all incarceration costs.

Defendant shall pay a total fine of \$492.50, includes surcharge and assessments. Defendant shall pay additional assessments of \$500.00 to the Prison Construction and Operation Fund; and \$500.00 to the Public Safety Equipment Fund. The State recommends that the defendant attend a victim impact panel.

(R) 3. The following charges are dismissed, or if not yet filed, shall not be brought against the Defendant by the Maricopa County Attorney's Office: Counts A and C.

(R) 4. This agreement serves to amend the complaint, indictment, or information, to charge the offense to which the Defendant pleads, without the filing of any additional pleading. However, if the plea is rejected by the court or withdrawn by either party, or if the conviction is subsequently reversed, the original charges and any charges that are dismissed by reason of this plea agreement are automatically reinstated.

(R) 5. The Defendant agrees that this agreement shall not be binding on the State should the Defendant be charged with or commit a crime between the time of this agreement and the time for sentencing in this cause; nor shall this agreement be binding on the State until the State confirms all representations made by the Defendant and his attorney, to-wit: Defendant avows 0 DUI convictions in the last 84 months and no pending DUI cases in any jurisdiction. If the Defendant fails to appear for sentencing, the Court may disregard the stipulated sentence and impose any lawful sentence which is the same as or exceeds the stipulated sentence in the plea agreement.

(R) 6. Unless this plea is rejected by the court or withdrawn by either party, the Defendant hereby waives and gives up any and all motions, defenses, objections, or requests which he/she has made or raised, or could assert hereafter, to the court's entry of judgment against him/her and imposition of a sentence upon him/her consistent with this agreement. By entering this agreement, the Defendant further waives and gives up the right to appeal.

(R) 7. The parties hereto fully and completely understand and agree that it is the Court's duty to impose sentence upon the Defendant, and that any sentence either stipulated to or recommended herein in paragraph two is not binding on the court. If after accepting this plea the Court concludes that any of the plea agreement's provisions regarding the sentence or the term and conditions of probation are inappropriate, it can reject the plea. If the Court decides to reject the plea agreement provisions regarding sentencing, it must give both the state and the Defendant an opportunity to withdraw from the plea agreement. In case this plea agreement is withdrawn, all original charges will automatically be reinstated.

(R) 8. If the court decides to reject the plea agreement provisions regarding sentencing and neither the State nor the Defendant elects to withdraw the plea agreement, then any sentence either stipulated to or recommended herein in paragraph 2 is not binding upon the court, and the court is bound only by the sentencing limits set forth in paragraph 1 and the applicable statutes.

(R) 9. I understand that if I am not a citizen of the United States or was not a citizen at the time of the commission of the offense to which I am pleading, that my decision to go to trial or enter into a plea agreement may have immigration consequences. Specifically, I understand that pleading guilty or no contest to a crime may affect my immigration status. Admitting guilt

may result in deportation even if the charge is later dismissed. My plea or admission of guilt could result in my deportation or removal, could prevent me from ever being able to get legal status in the United States, or could prevent me from becoming a United States citizen. I understand that I am not required to disclose my legal status in the United States to the court.

(P) 10. This plea agreement in no way affects any forfeiture proceedings pursuant to A.R.S. §13-4301 et seq., §13-2314, or § 32-1993, if applicable, nor does the plea agreement in any way compromise or abrogate any civil actions, including actions pursuant to A.R.S. §13-2301 et seq. or §13-4301 et seq., or the provisions of A.R.S. §13-2314 or A.R.S. §13-4310.

(P) 11. I have read and understand the provisions of the pages of this agreement. I have discussed the case and my constitutional rights with my lawyer. My lawyer has explained the nature of the charge(s) and the elements of the crime(s) to which I am pleading. I understand that by pleading **GUILTY** I will be waiving and giving up my right to a determination of probable cause, to a trial by jury to determine guilt and to determine any fact used to impose a sentence within the range stated above in paragraph one, to confront, cross-examine, compel the attendance of witnesses, to present evidence in my behalf, my right to remain silent, my privilege against self-incrimination, presumption of innocence and right to appeal. I agree to enter my plea as indicated above on the terms and conditions set forth herein. I fully understand that if, as part of this plea agreement, I am granted probation by the court, the terms and conditions thereof are subject to modification at any time during the period of probation. I understand that if I violate any of the written conditions of my probation, my probation may be terminated, and I can be sentenced to any term or terms stated above in paragraph one, without limitation.

I have personally and voluntarily placed my initials beside each of the above paragraphs and signed the signature line below to indicate that I read, or had read to me, understood and approved all of the previous paragraphs in this agreement, both individually and as a total binding agreement. My plea is voluntary and not the result of force, or threat, or promises other than those contained in the plea agreement.

DO NOT SIGN THIS FORM UNLESS YOU HAVE READ IT COMPLETELY, OR HAD IT READ TO YOU AND UNDERSTAND IT FULLY.

Date: 03/08/2019

Defendant

David Lee Cook
DAVID LEE COOK

I have discussed this case with my client in detail and advised my client of his or her constitutional rights and all possible defenses. I believe that the defendant's plea is knowing, intelligent, and voluntary and that the plea and disposition are consistent with law.

Date: 03/08/2019

Defense Counsel

Amber J. 005458

I have reviewed this matter and concur that the plea and disposition set forth herein are appropriate and are in the interests of justice.

Date: March 8, 2019

Prosecutor

Richard J Palmer, Jr. 023749



Maricopa County Justice Courts, Arizona

North Mesa Justice Court 1837 S. Mesa Dr., #B103, Mesa, AZ 85210 480-926-9731

STATE OF ARIZONA vs. CASE NUMBER: TR2018-162288
 DAVID LEE COOK 05/15/68
 Defendant DOB DUI GUILTY / NO CONTEST PLEA PROCEEDING

1. Defendant understands the nature of the charges as driving or being in actual physical control of a vehicle:
 - ☐ While under the influence of intoxicating liquor/toxic vapors/drugs, 28-1381A1, a class 1 misdemeanor.
 - ☒ With an illegal alcohol concentration .08 or more, 28-1381A2, a class 1 misdemeanor.
 - ☐ While any illegal drug or its metabolite is in the defendant's body, 28-1381A3, a class 1 misdemeanor.
 - ☐ With an alcohol concentration of .04 percent or more in a commercial vehicle, 28-1381A4, a class 1 misdemeanor.
 - ☐ With an extreme illegal alcohol concentration of .15 to .19 or more, 28-1382A1, a class 1 misdemeanor.
 - ☐ With an extreme illegal alcohol concentration of .20 or more, 28-1382A2, a class 1 misdemeanor.
2. Defendant is ☒ with counsel ☐ without counsel, and understands the following information: (waiver of counsel with file)
3. The maximum penalty for each listed offense is: 6 months jail, \$2,500.00 fine + surcharges, 5 years probation
4. ☒ FIRST:

The minimum penalty for a first conviction of a non-extreme offense is: 10 days in jail (9 days suspended upon completion of substance abuse treatment), \$250.00 fine + surcharges, + \$500.00 PCF assessment and an additional \$500.00 DUI Public Safety assessment, and substance abuse screening.

The minimum penalty for an extreme offense of .15 to .19 is 30 consecutive days in jail (May suspend all but 9 days if any motor vehicle is equipped with a certified ignition interlock device for a period of twelve months), \$250.00 fine + surcharges, \$250.00 Abatement assessment, 30 hours of community restitution service may be ordered + \$1,000.00 PCF penalty assessment, an additional \$1,000.00 DUI Public Safety assessment, and substance abuse screening. The minimum penalty for an extreme offense of .20 or more is 45 consecutive days in jail (May suspend all but 14 days if any motor vehicle is equipped with a certified ignition interlock device for a period of twelve months), \$500.00 fine + surcharges, \$250.00 Abatement assessment, 30 hours of community restitution service may be ordered + \$1,000.00 PCF penalty assessment, an additional \$1,000.00 DUI Public Safety assessment, and substance abuse screening. Motor Vehicle Department will determine license suspension. DUI - drugs conviction includes 1 year revocation of driving privileges. A DUI commercial vehicle conviction includes 1 year revocation of commercial driving privilege.

☐ SECOND:

The minimum penalty for a second conviction of a non-extreme offense within an 84 month period is 90 days in jail (60 days suspended upon completion of substance abuse treatment), \$500.00 fine + surcharges, at least 30 hours of community restitution service + \$1,250.00 PCF penalty assessment an additional \$1,250.00 DUI Public Safety assessment, a 1 year revocation of driving privileges and substance abuse screening.

The minimum penalty for a second conviction of an extreme offense of .15 to .19 within an 84 month period is 120 days in jail (entire sentence must be served and 60 days must be served consecutively), \$500.00 fine + surcharges, \$250.00 Abatement assessment, at least 30 hours of community restitution service + \$1,250.00 PCF penalty assessment, an additional \$1,250.00 DUI Public Safety assessment, a 1 year revocation of driving privileges and substance abuse screening. The minimum penalty for a second conviction of an extreme offense of .20 or more within an 84 month period is 180 days in jail (the entire sentence must be served and 90 days must be served consecutively) \$1000.00 fine + surcharges, \$250.00 Abatement assessment, at least 30 hours of community restitution service + 1,250.00 PCF penalty assessment, an additional \$1,250.00 DUI Public Safety assessment, a 2 year revocation of driving privileges and substance abuse screening.

5. The court has inquired as to the defendant's probation or parole status.
6. Defendant has entered into a plea agreement and consents to its terms; plea to the court.
7. Defendant understands that the following constitutional rights are given up by changing the plea:
 - a. Right to plead not guilty and require the State to prove guilt beyond a reasonable doubt.
 - b. Right to a trial by jury.
 - c. Right to assistance of an attorney at all stages of the proceedings, including appeal. In some cases, the defendant may be eligible for a court appointed attorney free of charge, if the defendant cannot afford one.
 - d. Right to confront witnesses against the defendant and cross-examine them as to the truthfulness of their testimony.
 - e. Right to present evidence on the defendant's behalf and the right to subpoena witnesses free of charge.
 - f. Right to remain silent and to be presumed innocent until proven guilty beyond a reasonable doubt.
 - g. Right to a direct appeal.
8. Defendant understands Rule 17.2 (the court reads the following to the defendant): If you are not a citizen of the United States, pleading guilty or no contest to a crime may affect your immigration status. Admitting guilt may result in deportation even if the charge is later dismissed. Your plea or admission of guilt could result in your deportation or removal, could prevent you from ever being able to get legal status in the United States, or could prevent you from becoming a United States citizen.
9. Defendant wishes to give up these constitutional rights after having been advised of them.
10. Defendant understands that a review of the conviction or sentence may only be made pursuant to Rule 32.
11. Defendant understands that a judgment of conviction may be set aside except as provided in A.R.S.13-907K pursuant to A.R.S.13-907A.
12. There exists a basis in fact for believing the defendant guilty of the offenses charged.
13. Plea is voluntary and not the result of forces, threats or promises other than those contained in the plea agreement.

On the basis of these findings, I conclude that the defendant knowingly, voluntarily, and intelligently pleads ☒ guilty ☐ no contest to the above charges, and I accept the plea.

Date: 03/108/2019

I certify that the judge advised me of the nature of the offense, range of penalties, and my constitutional rights as indicated above. I understand the constitutional rights which I give up by entering this plea, and that I desire to plead guilty or no contest. I desire to proceed without an attorney representing me. If represented, counsel's signature appears below. I acknowledge that I am giving up the right to a direct appeal by pleading guilty / no contest in this matter.

Defendant

Defendant's Counsel / Bar No.

Interpreter



Maricopa County Justice Courts, Arizona

North Mesa Justice Court 1837 S. Mesa Dr., #B103, Mesa, AZ 85210 480-926-9731

STATE OF ARIZONA
vs.

CASE NUMBER: TR2018-162288

DAVID LEE COOK

JUDGMENT OF GUILT AND SENTENCE

☐ Amended

☐ With Allegation of Prior Conviction

Defendant(s) Name / Address / Email / Phone

Defendant has personally appeared before this court for sentencing and the court has ascertained the following facts, pursuant to ARS 13-607, noting each by initialing it.

Defendant's date of birth is 05/15/68

Defendant was convicted of:

- ☐ 13-3601A DV offense, a class 1 misdemeanor
 - ☐ Assault 13-1203A ☐ Criminal Damage 13-1602A ☐ Disorderly Conduct 13-2904a ☐ Other: 13-_____
- ☐ The Defendant and the Victim _____, have a relationship as defined in A.R.S. 13-3601A.
- ☐ 13-1802 Theft, a class 1 misdemeanor
- ☐ 13-1805 Shoplifting, a class 1 misdemeanor
- ☐ 28-1381A1 Driving while under the influence, alcohol, drugs, toxic vapor or combination, a class 1 misdemeanor
 - ☐ Drug only no intoxicating liquor (Effective 01/01/17)
- ☒ 28-1381A2 Driving while under the influence with alcohol concentration of .08 or more, a class 1 misdemeanor
- ☐ 28-1381A3 Driving while under the influence, drugs or metabolite, a class 1 misdemeanor
- ☐ 28-1381A4 Commercial driver driving while under the influence with B.A.C. of .04 or more, a class 1 misdemeanor
- ☐ 28-1382A1 Extreme driving while under the influence (Alcohol content of .15 to .19), a class 1 misdemeanor
- ☐ 28-1382A2 Extreme driving while under the influence (Alcohol content of .20 or more), a class 1 misdemeanor
- ☐ 28-1464 Ignition Interlock Violation, a class 1 misdemeanor

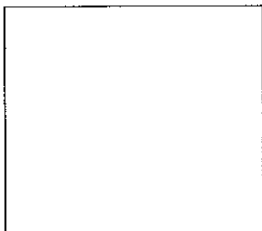
Counsel for the defendant was LARRY KAZAN Bar I.D. 005456

Or,
The court found defendant knowingly, voluntarily and intelligently waived his/her right to counsel after having been fully apprised of his right to counsel.

The basis for the finding of guilt was by:

- ☐ Trial to jury
- ☐ Trial to court
- ☒ Plea of guilty
- ☐ Plea of no contest
- ☐ Defendant knowingly, voluntarily and intelligently waived his right to a jury trial when requesting a trial to court.
- ☒ Defendant knowingly, voluntarily and intelligently waived all pertinent rights when found guilty by a plea of guilty or no contest.

The offense ☐ is or ☒ is not of a dangerous or repetitive nature pursuant to ARS 13-703 or 13-704.



Right Index Finger
Date: 03/08/2019

I hereby certify that at the time of sentencing and in open court the defendant's fingerprint was permanently affixed to this document.

Justice of the Peace



Maricopa County Justice Courts, Arizona

North Mesa Justice Court 1837 S. Mesa Dr., #B103, Mesa, AZ 85210 480-926-9731

STATE OF ARIZONA
vs.

CASE NUMBER: TR2018-162288

DAVID LEE COOK

Defendant

JUDGMENT AND SENTENCE ORDER

☐ MODIFIED (All terms of the original order not modified remain in full force and effect.)

THE COURT RENDERS JUDGMENT and Orders as follows:

Violation Codes:	A. 28-1381A1	B. 28-1381A2	C. 28-1382A1	D.	E.
Not Guilty / Not Responsible	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dismissed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Guilty / Responsible \$	\$	\$ 492.50	\$	\$	\$
Surcharges waived	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sentence Suspended	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attorney Reimbursement \$ _____ \$45.00 Warrant Fee \$ _____ ☐ \$30.00 Default Fee ☐ \$35.00 FARE Delinquent Fee
☐ FARE Special Collection Fee ☐ \$15.00 Drug Assessment Per Charge (Effective offense date 8/2/12 -8/5/16)
☐ \$50.00 DV Services Fund Assessment (Effective 7/20/11) ☐ \$50.00 DV Address Confidentiality Assessment (Effective 1/1/2012)

Restitution

- ☐ Restitution shall be paid through the Maricopa County Check Enforcement Program, 11 W. Jefferson St., Phoenix, Arizona 85003 (602-372-7300) in monthly installments of \$ _____ beginning on the _____ day of _____ and each month thereafter until paid in full. For a total of: \$ _____
☐ Shall be paid to the victim(s) as directed on the Order for Payment of Restitution.

Probation Violation

- ☐ The Defendant is in violation of ARS 13-1807, a class one misdemeanor for issuing a bad check.

DUI (Prison Constr Fund)	\$	\$	\$ 500.00	\$	\$	\$
DUI (Addl Assessment)	\$	\$	\$ 500.00	\$	\$	\$
OUI (Boating Safety Fund)	\$	\$	\$	\$	\$	\$
EXTREME DUI (Abatement)	\$	\$	\$	\$	\$	\$

- ☒ The defendant shall pay jail costs for every day served on these charges at the rate of \$342.00 for the first day and \$100.00 for every day thereafter. For a total of: \$ 342.00
☐ The fine shall be reduced if the defendant shows the following proof to the court NO LATER THAN: _____
☐ Insurance (in effect on the date of violation) ☐ A new 6-month policy of insurance ☐ Current registration
☐ Legible or duplicate driver's license ☐ Reinstated driver's license ☐ Other: _____

If you are required to pay fines, penalties, fees or other financial obligations as a result of a judgment of this court and you are unable to pay, bring this to the attention of court staff or the judge because payments over time or other alternatives may be available. A \$20.00 time payment fee will be added to fine(s) not paid in full today.

☐ Cash bond of \$ _____ shall be applied as follows:

\$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____

☐ Any remaining bond is exonerated.

IT IS FURTHER ORDERED: _____

☐ Additional orders as set forth on the JUDGMENT AND SENTENCE ORDER ADDENDUM.

☐ Additional orders as set forth on the DOMESTIC VIOLENCE ADDENDUM.

Until all conditions of this order are completed, you must immediately notify the court in writing, of any change of address or telephone number.

Notice to Defendant:

Defendant is hereby informed:

- A. Of the right to appeal the judgment, sentence, or both,
- B. Of the right to seek post-conviction relief;
- C. That the failure to file a timely notice of appeal or timely notice of post-conviction relief will result in the loss of those rights; and
- D. Of the right to apply to have the judgment of conviction set aside, except as provided in A.R.S. 13-907(K).

Defendant is hereby advised:

- A. If the defendant is indigent, as defined in Rule 6.1(b), the court will appoint counsel to represent the defendant on appeal; if defendant is entitled to an attorney.
- B. If the defendant is unable to pay for certified copies of the record on appeal and a certified transcript, the county will provide them; and
- C. The defendant may waive the right to appellate counsel by filing a written notice no later than 30 days after filing the notice of appeal.

Date: 03/08/2019

Justice of the Peace

I acknowledge receipt of a copy of the foregoing Judgment and Sentence Order. I understand that, if I fail to comply, the court will take appropriate action as follows: Direct MVD to suspend my driver's license and/or registration. My privilege to drive will remain suspended until the judgment and any additional penalties are paid in full, or issue an order requiring me to show cause why I should not be held in contempt and a warrant may be issued for my arrest.

☐ I am a teacher certified to teach by the Board of Education or I am teaching in a community college district or a charter school.
☒ I am not a teacher

Date: 03/08/2019

Defendant's signature

Defendant(s) Name / Address / Email / Phone

☒ JUDGMENT AND SENTENCE ORDER ADDENDUM☐ Amended

IT IS FURTHER ORDERED that defendant shall:

- ☒ 1. Be confined in the Maricopa County Jail, as set forth in the Order of Confinement for 10 days in jail
- ☒ All but 1 days suspended upon completion of alcohol or drug screening, education or treatment program
- ☐ All but days suspended upon installation of an interlock device and 12 consecutive months of service
- ☐ days must be served consecutively
- ☒ Other: _____
- ☐ 2. 30 hours of community restitution service.
- ☒ 3. Participate in an alcohol / drug screening as set forth in the Treatment Order. You must participate in any and all programs, counseling or treatment recommended pursuant to the screening.
- ☒ 4. Participate in the Mother's Against Drunk Driving (MADD) Victim Impact Panel.
- ☐ 5. Participate in and complete hours of community (service) restitution by , at the following location: _____
- ☐ 6. Participate in counseling at: _____
- ☒ 7. Show proof of completion by 05/08/19 . You are responsible for ensuring the court receives proof of compliance.
- ☐ 8. Defendant's ☐ driving privileges ☐ registration be suspended for day(s) month(s)
- ☐ 9. Ignition interlock extended for day(s) month(s)
- ☐ 10. Additional Orders: _____

☒ PROBATION ADDENDUM

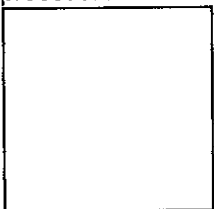
- ☒ 11. Defendant is placed on probation under the supervision of this court and subject to the terms and conditions checked below for the following violation 28-1381A2 DUI W/BAC OF .08 OR MORE C1M for a period of month(s) 5 year(s) from this date, ending 3-6-2024

IN ADDITION TO COMPLIANCE WITH ALL ORDERS contained within this judgment and sentence order, which are hereby made apart of and included in the terms and condition of probation, defendant shall:

- ☒ At all times be a law-abiding citizen.
- ☐ Remain gainfully employed or enrolled as a student at all times and shall keep the court advised of such employment or schooling and progress therein.
- ☒ Not drink intoxicating and / or alcoholic beverages to excess.
- ☐ Not knowingly associate with any person of lawless reputation nor with any person who has a criminal record or who is on probation or parole without approval of the court.
- ☒ Not possess or use any drug or narcotic including marijuana or dangerous drugs in violation of any law.
- ☐ Not possess or control any deadly weapon or firearm
- ☐ Not leave the State of Arizona nor change the place of residence without notification and approval of the court.
- ☐ Report to the court at least once each month, in writing, or in person, or at all other such times as directed by the court.
- ☒ Not drive a vehicle in Arizona unless properly licensed by the State of Arizona.
- ☐ Defendant shall have no contact with the victim.
- ☐ Special conditions: _____

Failure to fulfill all terms of this Order may result in imposition of any suspended or deferred jail time.

- ☐ RIGHT TO APPEAL this judgment will end 14 calendar days after TODAY'S date. A NOTICE OF RIGHT TO APPEAL setting forth the procedures I must follow to exercise this right appears on the back of the Judgment and Sentence Order given me.
- ☐ A NOTICE OF RIGHT OF SETTING ASIDE JUDGMENT and my RIGHT TO POST CONVICTION RELIEF, and the procedures I must follow to exercise these rights, appears on the back of the Judgment and Sentence Order given me.



Right Index Finger

Date: 03/08/2019

Defendant

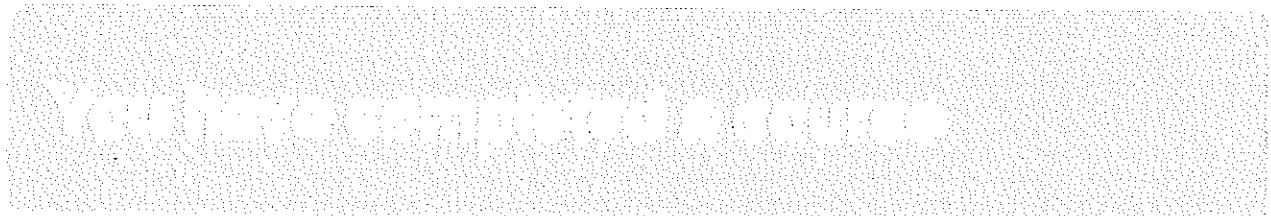
From: David Cook <dcoatl@co@theriver.com>
Subject: Fwd: [STI DUI Online] You have completed a course
Date: Jan 3, 2019 at 6:05:11 PM

David Cook
Owner
DC Cattle Co LLC

Begin forwarded message:

From: STI DUI Online Course <site@scottsdaletreatment.com>
Date: January 3, 2019 at 6:01:23 PM MST
To: dcoatl@co@theriver.com
Subject: [STI DUI Online] You have completed a course

2019 MAR -3 AM 10:18
NORRIMESA
JUSTICE COURT



You have completed and passed the course

16-Hour Online DUI Course



Alcohol/Drug Screening Report Accepted (Customer Copy)

Congratulations! Your report has been accepted. Thank you for using ServiceArizona.

Confirmation Number: IASR70787468568150

Violation Information:

Type: ADMIN PER SE

Violation Date: 12/20/2018

Violation Time: 01:00

Defendant Information:

Name: DAVID COOK

AZ Customer/Driver License Number: [REDACTED]

Date of Birth: 05/15/1968

Screening Information:

Completion Date: 01/02/2019

Substance Abuse Evaluator Information:

Facility/Agency Name and License Number: SCOTTSDALE TREATMENT INSTITUTE, PL
BH4019

Phone Number: (480) 429-9044

Date: 01/02/2019

Time: 15:36

MON. JES
JUSTICE COURT
2019 MAR -8 AM 10:18



Maricopa County

NORTH MESA JUSTICE COURT
1837 S. Mesa Drive, Suite B-103
Mesa, AZ 85210
(480) 926-9731

DAVID LEE COOK

Defendant's Name

TR2018-162288

Case Number

You are hereby ordered to attend a Mother's Against Drunk Driving Victim Impact Panel.

Your requirements are as follows:

- *Register within three (3) days*

TOLL FREE 1-800-553-6233 or online at www.madd.org/azvip

- *Pay a \$45.00 fee to attend the panel. Payment must be made in the form of a money order or cashier's check*
- *Complete the panel within 60 days of the date of this order* *Due 5-8-19*
- *Send the court a copy of your certificate of completion. It will be accepted via fax at 480-926-7763, email at northmesajusticecourt@mcjc.maricopa.gov, or in person at 1837 S. Mesa Dr. Ste B-103, Mesa AZ 85210*

3-7-19

Dated

Cecil P. Ash, North Mesa Justice of the Peace

I acknowledge receipt of this notice and understand that failure to comply with this order may result in a warrant being issued for my arrest.

David L. Cook

Defendant

dccattleco@theriver.com

Email

P.O. Box 871

Address

Globe, AZ 85502

City/State/Zip



North Mesa Justice Court 1837 S. Mesa Dr., #B103, Mesa, AZ 85210 480-926-9731

STATE OF ARIZONA

vs.

CASE NUMBER: TR2018-162288

DAVID LEE COOK

ORDER OF CONFINEMENT

Defendant(s) Name / Address / Email / Phone

Defendant's date of birth: 05/15/68 Booking No.

Convicted of: ARS Title & Section 28-1381A2 DUI W/BAC OF .08 OR MORE C1M

TO THE SHERIFF OF MARICOPA COUNTY:

IT IS ORDERED that defendant is remanded to the custody of the Sheriff and be confined for the duration of the jail time indicated on this Order of Confinement.

IT IS ORDERED that the defendant serve 1 Day(s) in jail.

☒ The defendant shall report to the jail on 3-9-19 at 2:00 PM

IT IS ORDERED that said jail time be served as follows:

☒ **STRAIGHT TIME:** The defendant shall serve 1 days straight time.

☐ **WORK RELEASE:** The defendant shall serve _____ days on work release as follows:

Report to the jail on _____ at _____

And be released for work on _____ at _____ for _____ hours.

And be confined in like manner and be released in like manner every:

☐ Mon ☐ Tue ☐ Wed ☐ Thr ☐ Fri ☐ Sat ☐ Sun thereafter until completion of the sentence.

☐ **WEEKENDS:** The defendant shall serve weekends in jail as follows:

From: ☐ Fri ☐ Sat _____ at _____

To: ☐ Sun ☐ Mon _____ at _____

And every weekend thereafter until completion of the sentence.

☐ **DAYS FOR DOLLARS:** The defendant shall serve _____ days in jail. The defendant may post bond in the amount of \$ _____ for immediate release. The defendant shall be given credit of \$ _____ per day. The defendant may obtain a reduction in the jail sentence at any time by posting bond of \$ _____

☐ NO TWO-FOR-ONE CREDIT.

☐ OTHER: _____

IT IS/ORDERED that defendant report to the following jail:

☒ Lower Buckeye Jail Intake, 3250 W. Lower Buckeye Rd., Phoenix, AZ (602) 876-6900

☐ Other:

WARNINGS: You must bring this order and identification with you when reporting. You must report promptly at the time(s) indicated. You must not have consumed any alcoholic beverage or drugs when reporting. If you fail to appear as ordered, or if you appear after consuming alcohol, or if you fail to obey jail rules you may be committed for the balance of the sentence, without benefit of release, at the discretion of the Sheriff. I hereby certify that at the time of sentencing and in open court the defendant's thumb print and a copy of identification was presented and permanently affixed to this document.

Date: 03/8/2019

~~Justice of the Peace~~

Copy of photo identification present

